

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TYLER HAYES MILLS,

Plaintiff,

VS.

No. 20-1285-JDT-cgc

TOMMY GURIEN and CORIZON
HEALTH,

Defendants.

ORDER DIRECTING PLAINTIFF TO FILE A NON-PRISONER
IN FORMA PAUPERIS AFFIDAVIT OR PAY
 THE REMAINING PORTION OF THE CIVIL FILING FEE

On December 31, 2020, Plaintiff Tyler Hayes Mills, who was, at the time, incarcerated at the Northwest Correctional Complex in Tiptonville, Tennessee, filed a *pro se* civil complaint. (ECF No. 1.) After he filed a properly supported motion to proceed *in forma pauperis*, the Court issued an order on February 4, 2021, granting leave to proceed *in forma pauperis* and assessing the civil filing fee pursuant to the Prison Litigation Reform Act (PLRA), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 6.) However, on August 2, 2021, Mills notified the Clerk he had been released and provided his new address. (ECF No. 8.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee of \$350 required by 28 U.S.C. § 1914(a). The statute merely provides the prisoner the opportunity to make a “downpayment” of a partial filing fee and pay the remainder in

monthly installments. 28 U.S.C. § 1915(b). However, in this case, only \$68.50 of the filing fee was paid prior to Mills's release. Under these circumstances, the Sixth Circuit has held "the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status." *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Mills must either renew his pauper status or pay the remainder of the civil filing fee. Therefore, he is ORDERED to submit, on or before September 3, 2021, either a properly completed and signed non-prisoner *in forma pauperis* affidavit or the remaining \$333.50 of the \$402 civil filing fee.¹ The Clerk shall mail Mills a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

If Mills fails to submit either a non-prisoner *in forma pauperis* affidavit or the remainder of the filing fee by September 3, 2021, the Court will dismiss this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute. IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The civil filing fee is \$350. 28 U.S.C. § 1914(a). Under § 1914(b) and the Schedule of Fees set out following the statute, an administrative fee of \$52 for filing any civil case also is required. Because that additional \$52 fee does not apply if leave to proceed *in forma pauperis* is granted, only the \$350 fee was assessed in the February 4, 2021, order. However, if Mills does not renew his pauper status he will be responsible for the entire \$402 fee.